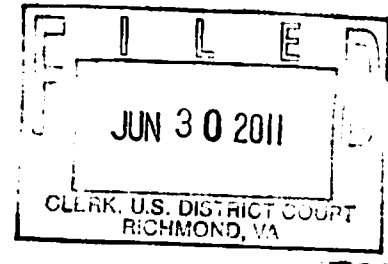


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



JERMAINE MALCOM LOUIS FORD,

Petitioner,

v.

CIVIL ACTION NO. 3:11CV148

UNKNOWN,

Respondent.

MEMORANDUM OPINION

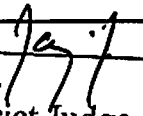
Petitioner, a Virginia prisoner proceeding *pro se*, submitted this 28 U.S.C. § 2254 petition. By Memorandum Order entered on June 3, 2011, the Court ordered Petitioner to show cause, within eleven (11) days of the date of entry thereof, for not dismissing his § 2254 petition for failure to exhaust his state remedies. The Court warned Petitioner that his failure to respond within eleven (11) days could result in dismissal of the action.

More than eleven (11) days have passed since June 3, 2011, and Petitioner has not submitted any document to show cause for not dismissing his § 2254 petition. Accordingly, the § 2254 petition will be DISMISSED WITHOUT PREJUDICE for failure to exhaust his state remedies.

An appeal may not be taken from the final order in a § 2254 proceeding unless a judge issues a certificate of appealability ("COA"). 28 U.S.C. § 2253(c)(1)(A). A COA will not issue unless a prisoner makes "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). This requirement is satisfied only when "reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were 'adequate to deserve encouragement to proceed further.'" *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (quoting *Barefoot v. Estelle*, 463 U.S. 880, 893 n.4 (1983)). No law or

evidence suggests that Petitioner is entitled to further consideration in this matter. A certificate of appealability will therefore be DENIED.

An appropriate Order shall issue.

/s/ 
John A. Gibney, Jr.
United States District Judge

Date: 4/29/11
Richmond, Virginia